

REMARKS

Claims 1-46 are pending. Claims 1-46 are rejected.

Claim 20 is rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully disagrees. Claim 20 relates to “[a] system for handling TPSes.” However, the Examiner asserts that the system is “software per se.” There is no indication that this is “software per se.” This is a system claim. FIGS. 2 and 3 show examples of sender system 10, which might provide support for elements as set forth in claim 20. The sender system 10 may include, for example, various hardware components as indicated in FIG. 3, for example. In view of at least the above reasons and the amendments to claim 20, it is respectfully requested that the rejection under 35 U.S.C. 101 be withdrawn with respect to claim 20.

Applicant has amended independent claims 1, 20-22, 32 and 45 to expedite prosecution and to further clarify the subject matter therein. Applicant has drawn upon subject matter related to markers and/or marker headers that has been incorporated by reference. In particular, the subject matter is set forth in U.S. Application No. 10/230,643, filed August 29, 2002, now U.S. Patent No. 7,295,555 B2, which was incorporated by reference in its entirety into the present application.

It is respectfully submitted that the art cited in the Office Action does not describe or teach the subject matter related to markers as set forth in independent claims 1, 20-22, 32 and 45.

It is respectfully submitted that claims 1-46 are in condition for allowance.

Applicant does not necessarily agree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicant respectfully reserves the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

U.S. Application No. 10/751,732, filed January 2, 2004
Attorney Docket No. 14230US03
Response dated September 27, 2010
In Response to Office Action mailed May 25, 2010

Applicant respectfully reserves the right to pursue, without prejudice, subject matter that has been withdrawn, amended and/or cancelled in a continuing application, for example.

With respect to the present application, Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: September 27, 2010

Respectfully submitted,

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